

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Mr. Wilfred H. Rommel
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Rommel:

This submits proposed legislation in accordance with Bureau of the Budget Circular No. A-19, revised. Enclosed are four copies of a draft bill, "To amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes." Also enclosed are copies of a sectional analysis, a comparison with existing law, and a draft of the letter of transmittal to the President of the Senate and the Speaker of the House of Representatives.

The proposed legislation would bring the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, into conformity with changes made by P. L. 91-658 in the Civil Service retirement system as follows:

a. Widowers of deceased female participants are accorded the same treatment as widows of deceased male participants. (Sections 1 and 4)

b. Survivor ^{Widow} annuity protection is extended to ~~Certain~~ ^{Certain} widow or widower who marries ~~a retired annuitant~~ following his retirement. (Sections 2 and 3)

[REDACTED]

c. Section 5 provides effective dates in phase with those established for the Civil Service retirement system for the above changes.

The provisions of the Civil Service retirement system changed by P. L. 91-658 form the basis for comparable provisions in the CIA

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Retirement Act. The change in fundamental concept reflected in the new law applies with equal validity to the CIA retirement system. Failure to keep pace would result in inequities in survivorship cases and would tend to undermine the effectiveness of the CIA Retirement Act.

Advice is requested as to whether there is any objection to the submission of the proposed legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

John M. Maury
Legislative Counsel

Enclosures

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OLC:LLM:rccr (2 March 1971)

A BILL

To amend the Central Intelligence Agency Retirement Act of 1964 for
Certain Employees, as amended, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of
2 the United States of America in Congress assembled, That --

3 Section 1. Section 204 of the Central Intelligence Agency Retirement
4 Act of 1964 for Certain Employees, as amended, (78 Stat. 1043;
5 50 U.S.C. 403 note) is amended --

6 (a) by striking "dependent" in subsection (a);

7 (b) by striking "Dependent widowers" and inserting "Widower"
8 in lieu thereof in subsection (b) (2); and

9 *where?* (c) by inserting ". " before the ", " and striking the remainder of
10 the sentence in subsection (b) (2).

11 Section 2. Section 221(b) of the Central Intelligence Agency
12 Retirement Act (50 U.S.C. 403 note) is amended to read as follows:

13 "(b)(1) If a participant who is married at the time of retirement
14 dies the surviving spouse to whom the participant was married at the
15 time of retirement, or the widow or widower to whom the participant
16 was married after retirement, is entitled to an annuity equal to 55
17 percent of the amount of the participant's annuity computed as pre-
18 scribed in paragraph (a) of this section, up to the full amount of such

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1 annuity specified by the participant as the base for such survivor
2 benefits at the time of retirement. The annuity of the participant
3 shall be reduced by 2 1/2 per centum of any amount up to \$3600
4 specified as the base for such survivor benefit by the participant
5 plus 10 per centum of any amount over \$3600 so specified.

6 "(2) If an annuitant dies after having elected a reduced annuity
7 provided in paragraph (2) of section 221(f) the surviving widow or
8 widower is entitled to an annuity computed as prescribed in paragraph
9 (1) of this subsection.

10 "(3) A spouse acquired after retirement is entitled to a survivor
11 annuity under this subsection only upon electing this annuity instead
12 of any other survivor benefit to which he may be entitled under this
13 or another retirement system for Government employees. The annuity
14 of the surviving spouse, widow, or widower under this subsection
15 commences on the day after the annuitant dies. This annuity and the
16 right thereto terminate on the last day of the month before the surviving
17 spouse, widow, or widower --

18 "(A) dies; or

19 "(B) remarries before becoming 60 years of age."

20 Section 3. . Section 221(f) of the Central Intelligence Agency
21 Retirement Act (50 U.S. C. 403 note) is amended --

1 (1) by inserting "(1)" immediately after "(f)"; and

2 (2) by adding at the end thereof the following new paragraph:

3 "(2) A participant, who is unmarried at the time of retiring
4 and who later marries, may irrevocably elect, in a signed writing
5 received by the Director within 1 year after the marriage, a reduced
6 annuity as provided in section 221(b). The reduced annuity is
7 effective the first day of the month after the election is received by
8 the Director. The election voids prospectively any election previously
9 made under the provisions of paragraph (1) of this subsection."

10 Section 4. Section 232(b) of the Central Intelligence Agency
11 Retirement Act (50 U.S.C. 403 note) is amended --

12 (1) by striking "dependent" wherever it occurs; and

13 (2) by inserting a "." after "section 221(g)" and striking the
14 remainder of the section.

Section 5. Section 251 of the - - - - - () is amended

15 Section ~~6~~ (a) The amendments made by sections 1, 2, and

16 4 shall not apply in the case of participants who died before

17 January 8, 1971, and the rights of such persons and their survivors

18 shall continue in the same manner and to the same extent as if such

19 amendments had not been enacted.

1 (b) The amendment made by section 3 shall apply to a participant
2 who was unmarried at the time of retiring, but who later married,
3 only if the election is made within one year after enactment.

(C) The

SECTIONAL ANALYSIS

Section 1 removes dependency requirements from the definition of the term "widower". This means that, with respect to survivor benefits, widowers of female participants or retirees will be accorded the same treatment as widows of deceased male participants or retirees. Retained in the definition is the requirement that a widower be married at least two years immediately preceding the death of the retiree or participant, or be a parent of a child born of the marriage -- the same conditions that apply to a "widow".

Section 2 does four things:

--First, it amends the current provision for annuity for surviving spouse to whom the retiree is married at the time of retirement by authorizing payment of that annuity to a subsequent spouse. The spouse acquired after retirement must qualify as a widow or widower as those terms are defined in Section 204 of the Act as amended by section 1 of the bill.

--Second, it authorizes a survivor annuity for a widow or widower of a retiree who was unmarried at the time of retirement, subject to the election of a reduced annuity for this purpose by the retiree pursuant to section 3 of the bill.

--Third, it requires the surviving spouse, widow or widower, to elect between the benefits afforded under section 2 of the bill and any other entitlements to survivor benefits from a retirement system for Government employees.

--Finally, it provides for the commencement and termination date for the survivor annuities provided under section 2 of the bill.

Section 3 provides a retiree who is unmarried at the time of retirement with an irrevocable election to select a reduced annuity and provide, under section 2 of the bill, survivorship protection for a spouse acquired after retirement. The election must be received within one year after the marriage, and voids any election made at the time of retirement for a survivor annuity for an individual with an insurable

interest as authorized under current law (Section 221 of the Act). The retiree's annuity is paid at the reduced rate starting with the first day of the month following receipt of the election.

Section 4 changes the "Death in Service" provisions of the Act (Section 232) to remove the dependency requirements currently attached to the payment of a survivor annuity to a widower of a female participant who dies in service. The changes are compatible with the changes made in the definition of the term "widower" under section 1 of the bill.

Section 5 provides effective dates in phase with those established for the Civil Service retirement system in connection with identical changes. These dates assure that the treatment afforded surviving spouses under the CIA Retirement Act will not be different than that afforded surviving spouses under the Civil Service retirement system.

CHANGES IN EXISTING LAW

Changes in existing law made by the draft bill are shown as follows: existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in brackets; new matter is underscored.

Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note).

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TITLE II -- THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Part A -- Establishment of System Rules and Regulations

* * * * *

Annuitants

SEC. 204. (a) Annuitants shall be participants who are receiving annuities from the fund and all persons, including surviving wives and husbands, widows, [[dependent]] widowers, children, and beneficiaries of participants or annuitants who shall become entitled to receive annuities in accordance with the provisions of this Act.

(b) When used in this Act the term --

* * * * *

(2) "Widower" [["Dependent widower"]] means the surviving husband of a participant who was married to such participant for at least two years immediately preceding her death or is the father of issue by marriage to the participant. [[, and who is incapable of self-support by reason of mental or physical disability, and who received more than one-half of his support from such participant.]]

* * * * *

Part C -- Computation of Annuities

SEC. 221.

* * * * *

(b) (1) If a participant who is married at the time of retirement dies the surviving spouse to whom the participant was married at the time of retirement, or the widow or widower to whom the participant was married after retirement, is entitled to an annuity equal to 55 percent of the amount of the participant's annuity computed as prescribed in paragraph (a) of this section, up to the full amount of such annuity specified by the participant as the base for such survivor benefits at the time of retirement. The annuity of the participant shall be reduced by 2 1/2 per centum of any amount up to \$3600 specified as the base for such survivor benefit by the participant plus 10 per centum of any amount over \$3600 so specified.

(2) If an annuitant dies after having elected a reduced annuity provided in paragraph (2) of section 221(f) the surviving widow or widower is entitled to an annuity computed as prescribed in paragraph (1) of this subsection.

(3) A spouse acquired after retirement is entitled to a survivor annuity under this subsection only upon electing this annuity instead of any other survivor benefit to which he may be entitled under this or another retirement system for Government employees. The annuity of the surviving spouse, widow, or widower under this subsection commences on the day after the annuitant dies. This annuity and the right thereto terminate on the last day of the month before the surviving spouse, widow, or widower--

(A) dies; or

(B) remarries before becoming 60 years of age.

¶ (b) At the time of retirement, any married participant may elect to receive a reduced annuity and to provide for an annuity payable to his wife, or her husband, commencing on the date following such participant's death and terminating upon the death or upon remarriage prior to attaining age sixty of such surviving wife or husband. The annuity payable to the surviving wife or husband after such participant's death shall be 55 per centum of the amount of the participant's annuity computed as prescribed in paragraph (a) of this section, up to the full amount of such annuity specified by him as the base for the survivor benefits. The annuity of the participant making such election shall be reduced by 2 1/2 per centum of any amount up to \$3,600 he specified as the base for the survivor benefit plus 10 per centum of any amount over \$3,600 so specified. ¶

* * * * *

(f) (1) Any unmarried participant retiring under the provisions of this Act and found by the Director to be in good health may at the time of retirement elect a reduced annuity, in lieu of the annuity as hereinbefore provided, and designate in writing a person having an insurable interest (as that term is used in section 9 (h) of the Civil Service Retirement Act (5 U.S.C. 2259 (h))) in the participant to receive an annuity after the participant's death. The annuity payable to the participant making such election shall be reduced by 10 per centum of an annuity computed as provided in paragraph (a) of this section, and by 5 per centum of an annuity so computed for each full five years the person designated is younger than the participant, but such total reduction shall not exceed 40 per centum. The annuity of a survivor designated under this paragraph shall be 55 per centum of the reduced annuity computed as prescribed above. [[The annuity payable to a beneficiary under the provisions of this paragraph shall begin on the first day of the next month after the participant dies. Upon the death of the surviving beneficiary all payments shall cease and no further annuity payments authorized under this paragraph shall be due or payable.]]

(2) A participant, who is unmarried at the time of retiring and who later marries, may irrevocably elect, in a signed writing received by the Director within 1 year after the marriage, a reduced annuity as provided in section 221(b). The reduced annuity is effective the first day of the month after the election is received by the Director. The election voids prospectively any election previously made under the provisions of paragraph (1) of this subsection.

* * * * *

DEATH IN SERVICE

SEC. 232

* * * * *

(b) If a participant, who has at least eighteen months of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a) (2), dies before separation or retirement from the Agency and is survived by a widow or a [[dependent]] widower, as defined in section 204, such widow or [[dependent]] widower shall be entitled to an annuity equal to 55 per centum of the annuity computed in accordance with the provisions of section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (i) 40 per centum of the participant's average basic salary, or (ii) the sum obtained under such section after increasing the participant's service of the type last performed by the difference between his age at the time

of death and age sixty. The annuity of such widow or [[dependent]] widower shall commence on the date following death of the participant and shall terminate upon death or upon remarriage prior to attaining age sixty of the widow or [[dependent]] widower (subject to the payment and restoration provisions of section 221(g)). [[, or upon the dependent widower's becoming capable of self-support.]]

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SEC. xxxx. (a) The amendments made by sections 1, 2 and xxx shall not apply in the case of participants who died before January 8, 1971 [date of enactment identical to Civil Service amendment] and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

(b) The amendment made by section 3 shall apply to a participant who was unmarried at the time of retiring, but who later married, only if the election is made within one year after enactment.

(c)



CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D. C. 20505

OFFICE OF THE DIRECTOR

DRAFT

The Honorable Spiro T. Agnew
President of the Senate
Washington, D.C. 20510

The Honorable Carl Albert
Speaker of the House of Representatives
Washington, D.C. 20515

My dear Mr. President:

My dear Mr. Speaker:

This letter transmits for the consideration of the Congress a proposed draft bill to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended. The proposed bill brings the CIA Retirement Act into consonance with certain provisions of the Civil Service retirement system.

Public Law 91-658, approved January 8, 1971, made significant changes concerning the payment of annuities to surviving spouses under the Civil Service retirement system. As a result, a widower of a female participant or retiree is accorded the same treatment as a widow of a deceased male participant or retiree and survivor annuity protection is extended to a spouse acquired after retirement under certain conditions.

A number of key features in the CIA Retirement Act, as passed in 1964, were adopted from provisions of law then applicable to Civil Service retirees. These features include the surviving spouse provisions amended by P.L. 91-658.

The reasons for changing the provisions relating to surviving spouses under the Civil Service retirement system apply with equal force to surviving spouses under the CIA system. Enactment of the proposed bill will assure that the CIA retirement system remains in line with the Civil Service system on the treatment of surviving spouses.

We would appreciate early and favorable consideration of the proposed bill. The Office of Management and Budget has advised that there is no objection to presenting the proposed bill to the Congress from the standpoint of the Administration's program.

Sincerely,

Richard Helms
Director

Enclosure

ROUTING AND RECORD SHEET

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[Signature]

Any suggestions or comments on the final so-called "Second Spouse" package before it is sent to OMB? We have clipped the only material which is new to you, i. e. the Rommel letter, the Sectional Analysis, and the so-called Speaker letter.